

ASSEMBLY BILL

No. 189

Introduced by Assembly Member Eng
(Coauthors: Assembly Members Fong, Mendoza, Swanson, and
Torres)

January 26, 2011

An act to amend Section 52612 of, and to add Section 52618 to, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 189, as introduced, Eng. Adult education: funding.

(1) Existing law authorizes the governing board of a school district maintaining an adult class to require an adult enrolled in the class to pay a fee and prohibits the governing board from imposing a charge for a class in English and citizenship for foreigners or a class in an elementary subject, except as specified.

This bill would remove that prohibition.

(2) Existing law establishes various categorical education programs and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2012–13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2007–08 fiscal year for those programs and authorizes school districts, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law.

This bill would require school districts receiving specified funding for adult education, which is categorized as flexible categorical

education program funding, to expend at least 65% of that adult education funding on adult education programs in a specified manner, commencing with the 2011–12 fiscal year. If a school district chooses not to offer or continue adult education programs, the bill would require the school district to report this fact to the State Department of Education by a specified date and forfeit 65% of the district’s flexible categorical education program funding that is designated for adult education. The bill would require the department to allocate the forfeited funding through a request for proposal process to districts offering adult education programs. The bill would encourage school districts to work toward targeted and measurable student outcomes for students taking adult education classes and would state the intent of the Legislature that school districts and county offices of education report adult education attendance in a specified manner and that the department develop a tracking system, and develop and implement a data collection system, to assess outcomes of adult education programs. The bill would require school districts to expend an additional 5% above the 65% requirement on adult education programs for each fiscal year that the flexible categorical education program funding is provided beyond the 2012–13 fiscal year. The bill would require the department to submit an annual report to the Legislature summarizing specified adult education information.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52612 of the Education Code is amended
2 to read:
3 52612. (a) Except as specified in this section, *the governing*
4 *board of the district maintaining the class may require* an adult
5 enrolled in a class for adults ~~may be required by the governing~~
6 ~~board of the district maintaining the class~~ to pay a fee for the class.
7 ~~Except as specified in Section 52613, no charge of any kind shall~~
8 ~~be made for a class in English and citizenship for foreigners or a~~
9 ~~class in an elementary subject. No~~ A fee charge shall *not* be made
10 for a class designated by the governing board as a class for which
11 high school credit is granted when the class is taken by a person
12 who does not hold a high school diploma. The total of the fees
13 required and revenues derived from average daily attendance shall

1 not exceed the estimated cost of all such classes maintained,
2 including the reserves authorized by Section 52501.5.

3 (b) All textbooks and classroom materials furnished without
4 charge under this section may also be offered for sale at the school
5 bookstore.

6 SEC. 2. Section 52618 is added to the Education Code, to read:

7 52618. (a) Notwithstanding Section 42605, and unless
8 otherwise prohibited by federal law, commencing with the 2011–12
9 fiscal year, school districts receiving funding for adult education
10 pursuant to Item 6110-156-0001 of Section 2.00 of the annual
11 Budget Act, which is categorized as tier III maximum categorical
12 in digest flexibility funding pursuant to Section 42605, shall expend
13 at least 65 percent of that adult education funding on adult
14 education programs in the following manner:

15 (1) Sixty-five percent shall be reserved for offering classes and
16 courses to students in the following core areas, as specified in
17 paragraphs (2), (3), and (6) of Section 41976, and may be
18 distributed among the core areas based on local priorities and
19 needs:

20 (A) Adult education programs in elementary and secondary
21 basic skills and other classes and courses required for the high
22 school diploma.

23 (B) Adult education programs in English as a second language.

24 (C) Adult short-term career technical education programs with
25 higher employment potential.

26 (2) Ten percent shall be reserved for providing career training
27 equipment or support services, including, but not limited to, career
28 counseling and other programs that lead to a student's acceptance
29 to a postsecondary educational institution. The Superintendent
30 shall apportion these funds based on the total amount of funds
31 available divided by the level of career technical education student
32 enrollment in each district, taking into consideration a district's
33 achievement of targeted and measurable student outcomes pursuant
34 to subdivision (b).

35 (3) Twenty-five percent shall be reserved for the receiving
36 school district to use in a flexible manner for adult education
37 programs. Funds allocated pursuant to this paragraph shall be
38 prioritized based on local community need. Adult education classes
39 or courses funded by this paragraph need not be restricted to the
40 core areas specified in paragraph (1), but a class or course offered

1 that is not specified in paragraph (1) shall have defined student
2 outcomes.

3 (b) School districts are encouraged to work toward targeted and
4 measurable student outcomes for students taking adult education
5 classes, which should include, but not be limited to, all of the
6 following:

7 (1) Increasing the number of students earning a high school
8 diploma or General Educational Development (GED) equivalent.

9 (2) Increasing the number of students who matriculate to
10 community colleges, the California State University, the University
11 of California, private postsecondary educational institutions, or
12 vocational programs.

13 (3) Increasing the number of students who are employable or
14 are able to get a promotion.

15 (4) Increasing opportunities for an adult school to work with
16 workforce investment boards and local employers to achieve
17 improved job placement for students.

18 (5) Increasing the number of students who are able to access a
19 naturalization and citizenship program.

20 (6) Creating opportunities for students to qualify for military
21 service.

22 (c) Consistent with subdivision (d) of Section 42605, and except
23 as provided for in paragraph (1) of subdivision (a), a school district
24 that receives funding pursuant to this section shall be deemed to
25 be in compliance with all applicable adult education program and
26 funding requirements contained in statutory, regulatory, and
27 provisional language.

28 (d) Notwithstanding Section 42605, school districts that choose
29 not to offer or continue adult education programs shall notify the
30 State Department of Education on or before March 15th of each
31 applicable year and shall forfeit the 65 percent of the district's tier
32 III maximum categorical flexibility funding that is required to be
33 used for adult education programs pursuant to subdivision (a). The
34 department shall appropriate the forfeited funding through a request
35 for proposal process to school districts that offer adult education
36 programs. Funds apportioned under this subdivision shall only be
37 used for adult education programs.

38 (e) (1) It is the intent of the Legislature that, commencing with
39 the 2011–12 fiscal year, school districts and county offices of
40 education shall report adult education attendance by utilizing the

1 Standardized Account Code Structure reporting process in effect
2 prior to July 28, 2009.

3 (2) It is the intent of the Legislature that the department shall
4 develop a tracking system, and develop and implement a data
5 collection system, to assess outcomes of adult education programs
6 as outlined in subdivision (b).

7 (f) For each fiscal year that tier III maximum categorical
8 flexibility funding is provided beyond the 2012–13 fiscal year,
9 school districts shall expend an additional 5 percent above the 65
10 percent required by subdivision (a) on adult education programs.

11 (g) The department shall submit an annual report to the
12 Legislature that summarizes both of the following:

13 (1) The core adult education classes and courses offered pursuant
14 to paragraph (1) of subdivision (a) and the number of students
15 served by those classes and courses.

16 (2) The growth in career technical education programs that have
17 been expanded or started in adult schools.